SOME THOUGHTS ON “ADVOCACY: A DRIVER FOR CHANGE”, ICN WORKSHOP, 12-13 DECEMBER 2013, ROME

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In December 2013, the Italian Competition Authority hosted in Rome the ICN’s second workshop dedicated to advocacy. The title chosen for this workshop – “Advocacy: a driver for change” – underlines the fact that competition advocacy is now seen as a core part of a competition agency’s work, alongside enforcement. By changing the competitive environment and by promoting pro-competitive reforms, competition agencies can play an important role in meeting the challenges of the current economic climate and in fostering growth.

Participation in the workshop reinforced this preeminent role for advocacy. There were more than 120 participants, representing 57 jurisdictions. The event was introduced by former Italian prime minister Mr. Mario Monti and Mr. Bruno Lasserre, ICN vice chair.

Why is advocacy important? Mr. Lasserre highlighted many reasons, including that advocacy increases the expertise of a competition agency (for instance through market studies) and consequently its credibility. Moreover, advocacy encourages market self-corrections and signals in sectors where competition appears not to be functioning while the competition agency is taking notice. Mr. Lasserre warned that advocacy is not a way for the competition agency to gain popularity, but rather provides the agency with opportunities to explain the benefits of competition and relate them to multiple objectives: efficiency, innovation, equity, and upward social mobility.

Participants were invited to share their experiences concerning the various advocacy tools and strategies used in an economic recession, during liberalization, in emerging economies, as well as when dealing with public procurement procedures. The workshop provided a platform for agencies to share their respective tools and experiences across diversified backgrounds. Tools include market studies, formal opinions delivered to government entities, outreach activities with consumers and other stakeholders (e.g., media) and everyday “conversations” with them.

The discussions clearly highlighted that a particular advocacy tool should be selected on the basis of the target audience and the timing of the action, and that for advocacy to be successful, the key challenge is to identify and select advocacy opportunities. Lessons learned from past experiences indicate that it is important for a competition agency to engage in a dialogue and develop relationships

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2 Italian Competition Authority.

3 For the agenda and materials, please see http://www.agcm.it/component/content/article/6634.html
with the various stakeholders. However, some participants cautioned against the risks of being “captured.” Many delegates also underlined the importance of a timely advocacy intervention, for example by exploiting a political cycle “favourable” to pro-competitive reforms.

The workshop highlighted the importance of pro-active advocacy: some agencies reported that, in some instances - for example - it was effective to engage by providing an opinion even when not formally requested: the recipients of the opinion felt enriched with these new perspectives, and in some cases these may have helped influence an outcome.

Delegates also reflected on unsuccessful aspects. For example, competition agencies may sometimes create an expectation of overnight change behind a suggested reform, and this overly optimistic approach can be counterproductive. Similarly, ignoring political realities or important stakeholders has meant, in some cases, a waste of the agency’s time and resources.

The debate clearly evidenced that it is preferable to provide workable, even if not optimal, suggestions, particularly because advocacy is an iterative process, which allows for fine-tuning and adjustments along the way. In this sense, “incremental” success should not be disregarded.

Another issue raised at the workshop was the evaluation of the advocacy activities. In a world where competition agencies are more and more accountable to the governments and public at large, assessments of the effectiveness of the advocacy function is particularly relevant. A representative of the Competition Policy Group of the World Bank stressed the importance of measuring outputs, explaining that many agencies now send feedback questionnaires to recipients concerning their opinions and keep track of the status of their recommendations to the various stakeholders.

While acknowledging that it can be difficult to evaluate advocacy activities in some cases, particularly because outcomes may take time to be achieved, participants agreed that there are benefits in publicizing successful advocacy stories. Making them widely known helps gain the support of the relevant stakeholders domestically and internationally, and can provide inspirations for agencies around the world. In this regard, the World Bank has organized a “best advocacy story of 2013” contest. The winner will be announced in Washington DC in January 2014.

The experiences of the representatives from new or younger competition agencies were especially informative and highlighted the importance of advocacy for these agencies.

For example, the Competition Council of Morocco shared that before being able to engage in meaningful advocacy, it first had to gain credibility by building up an enforcement record, by studying domestic markets, and, interestingly, by taking active part in international organizations such as the ICN in order to learn best practices in the field of competition advocacy.
In Malaysia, a working committee on advocacy was established to devise a three-year strategy and identify professional sectors as potential areas for advocacy. During the first two years of existence, the agency produced guidance leaflets for the various stakeholders (SMEs, media, etc.) and launched research grants to attract academic interest on the subject of competition law and policy. Collaboration with academia was mentioned by other agencies as well. For example, the Kenyan competition authority worked with universities in order to introduce competition law as a course subject.

The South Africa Competition Commission hired a media agency so that its market studies would be covered also in the front page of newspapers and not only in the business sections. In Mexico, the competition agency invited judges from the United States to run training courses for Mexican judges, using hypothetical competition cases as a learning tool. In Ecuador, the competition agency organized 21 regional workshops with international experts to raise awareness as regards the new competition law.

The common element in these experiences is that they all seek to build a competition culture. In this regard, the workshop explored the role of international organizations such as the ICN, the World Bank, OECD, and regional networks in supporting domestic advocacy efforts for the promotion of a competition culture and in order to advocate pro-competitive reforms at national and regional level.

The workshop was both thought-provoking and practical: it provided useful examples for everyday work and enabled participants to meet colleagues from all over the world thus to be enriched by new ideas with which to develop their agencies’ advocacy strategies⁴.

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